



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



LIESL EICHLER CLARK
DIRECTOR

January 24, 2019

UPS NEXT DAY DELIVERY

ENFORCEMENT NOTICE

In the matter of:

Advanced Disposal Services, Arbor Hills Landfill, Inc. SRN: N2688; Washtenaw County
10833 Five Mile Road, Building B
Northville, Michigan, 48168

ATTENTION: Mr. Bob Walls, General Manager

This letter is to advise you of the commencement of escalated enforcement action against Advanced Disposal Services Arbor Hills Landfill, Inc. (Company). This letter follows the February 2, 2016; March 15, 2016; April 29, 2016; November 8, 2016; December 14, 2016; February 6, 2018; August 31, 2018; October 12, 2018; January 14, 2019; and January 17, 2019 Violation Notices (VNs) issued by the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD) and Waste Management and Radiological Protection Division (WMRPD). These VNs detailed violations of the federal New Source Performance Standards (NSPS) as specified in Title 40 of the Code of Federal Regulations, Part 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills, violations of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended (NREPA), MCL 324.5501 *et seq.*; Part 115, Solid Waste Management, of the NREPA, MCL 324.11501 *et seq.*; and the administrative rules promulgated thereunder, specifically Mich Admin Code, R 336.1901 (Rule 901) and Mich Admin Code, R 299.4433 (Rule 433).

The MDEQ alleges that the Company's various operational failures have resulted in air quality and solid waste violations including, but not limited to, nuisance odors as detailed in the aforementioned VNs. The Company is requested to immediately undertake all actions necessary to resolve all violations identified in this Enforcement Notice and the VNs listed above.

Please be advised that the MDEQ is reviewing the Company's Violation Notice response letter dated December 6, 2018, as well as reviewing the Company's records. The MDEQ may also conduct future inspections of the landfill which may result in the discovery of additional violations. The violations identified herein, as well as any additional violations discovered hereafter as part of the MDEQ's ongoing evaluation of the Company's compliance with applicable state and federal air quality and solid waste rules and regulations, must be formally resolved through entry of a legally enforceable document.

The MDEQ is providing the Company with an opportunity to formally resolve these violations through the entry of a legally enforceable agreement that will include a compliance program


Mr. Bob Walls
Page 2
January 24, 2019

and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528 and Section 11546 of Part 115 of NREPA, MCL 324.11546.


Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (MDAG) for commencement of civil litigation. This Enforcement Notice does not preclude or limit the MDEQ's ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact Jeff Rathbun at 517-284-6797, or by email at rathbunj1@michigan.gov, no later than February 8, 2019, to schedule a meeting to discuss the resolution of this matter.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

By: 
Alexandra Clark
WMRPD, Enforcement Section Manager

Date: 1/24/2019

By: 
Jenine Camilleri
AQD, Enforcement Unit Supervisor

Date: 1/24/2019

cc: Ms. Sarah Marshall, U.S. EPA, Region 5
Mr. Neil Gordon, MDAG
Ms. Mary Ann Dolehanty, MDEQ
Mr. Jack Schinderle, MDEQ
Ms. Polly Synk, MDAG
Mr. Chris Ethridge, MDEQ
Mr. Lonnie Lee, MDEQ
Mr. Scott Miller, MDEQ
Mr. Lawrence Bean, MDEQ
Mr. Jeff Rathbun, MDEQ
Ms. Melinda Shine, MDEQ